

Wild and Scenic River Issues of the National Park Service

**Breakout Panel
Aquatic Professionals Meeting
November 18, 2004
Fort Collins, CO**

Wild and Scenic Rivers Act

(P.L. 90-542; Oct. 2, 1968)

- Section 1

- National policy to protect rivers with outstandingly remarkable values and to *preserve free-flowing conditions*.

- Section 7

- No department or agency shall assist by loan, grant, or license in the construction of any water resources project that would have a *direct and adverse effect* on values for which the river was established.

Wild and Scenic Rivers Act

(P.L. 90-542; Oct. 2, 1968)

Section 7 (Con't)

- Nothing shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreation river area or on any stream tributary which *will not invade the area or unreasonably diminish* the values present in the area on the date of designation.

Wild and Scenic Rivers Act

(P.L. 90-542; Oct. 2, 1968)

- Sec. 10a – Each component of the national wild and scenic rivers system shall be administered...to protect and enhance the values...
- Sec. 10b – Lands...subject to provisions of this Act and NPS acts (unimpairment)...and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply.

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- **NPS Involvement**

- FERC licenses and relicensing
- CWA Sec. 404 permits (dams, bridges, bank protection, boat docks, dredging) issued by Corps of Engineers
- Highway projects (State DOT's)
- Rural Utility grants and loans for projects

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- Section 7 Determinations

- NPS wild and scenic river's or state 2a11 rivers
- Lack of recognition of NPS authorities (local, state, and national (COE))
- Lack of comprehensive river management plans to guide NPS determinations
- Inadequate studies and data to support determinations (what are our flow needs?)

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- Section 7 Determinations (Con't)
 - NPS inconsistencies in preparing determinations and administrative records
 - Determinations for NPS projects?
 - FWS Coordination Act
 - NEPA Compliance (Cooperators on EA/EIS?)

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- NPS Policy Direction
 - Limited – causing confusion/inconsistencies
 - No one individual or office responsible
 - Present practice
 - “Wing-it”
 - Call for HELP – who do I call?
 - WSR Council Guidelines
 - Individual park approach (St. Croix)
 - Directors Order 46A and 46B – in draft

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- Wild and Scenic Rivers Task Force
 - Develop policy direction and guidance
 - Initiatives to National Leadership Council
 - Funding requests
 - Park, regional, and national staff
 - Comprehensive River Management Plans
 - In-stream flow studies